

# **Exhibit B**

Page 1

1 UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA

2 Charlottesville Division

3 ELIZABETH SINES, SETH WISPEL WEY,  
MARISSA BLAIR, TYLER MAGILL,  
4 APRIL MUNIZ, HANNAH PEARCE,  
MARCUS MARTIN, NATALIE ROMERO,  
5 CHELSEA ALVARADO, JOHN DOE,  
and JAMES BARKER,

6 Civil Action No.:  
Plaintiffs, 3:17-cv-00072-NKM

7

vs.

8

JASON KESSLER, et al.,

9

## Defendants.

10 /

1

12 VIDEOTAPED DEPOSITION  
Taken By Counsel for Plaintiffs

13

14

Tuesday, December 10, 2019

15

16 Hillsborough County Courthouse

Hillsborough County Courthouse  
George F. Edgecomb Building

George E. Edgerton  
800 East Twigg Street

18 Courtroom 11

Tampa, Florida

19

20

21

22

Stenographically Reported By:

23 Jennifer Figueira, RPR, CLR, FPR

## Notary Public, State of Florida at Large

24 Magna Legal Services

Phone - 866.624.6221

25 Magna Job No. 535382

Page 2

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Damigo; Identity Europa, Inc. (Identity

22 Europa); Matthew Parrott; and Traditionalist

Worker Party

23

24

25 (Appearances continued on Page 3.)

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12  
13 On Behalf of Defendants Jeff Schoep, National  
Socialist Movement, and Nationalist Front  
14  
15

16 ALSO PRESENT:  
17 NICK DeHAAS, VIDEOGRAPHER  
18  
19  
20  
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22  
23  
24  
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1 Deposition taken before Jennifer Figueroa,  
2 Registered Professional Reporter and Notary Public in  
3 and for the State of Florida at Large, in the above  
4 cause.

5 \* \* \* \* \*

6 THE VIDEOGRAPHER: We're now on record.

7 This begins Media Unit No. 1 to the videotaped  
8 deposition of Burt Colucci taken in the matter of  
9 Elizabeth Sines, et al., versus Jason Kessler,  
10 et al., filed in the United States District Court  
11 for the Western District of Virginia,  
12 Charlottesville Division. Today is Tuesday,  
13 December 10, 2019. The time is approximately  
14 9:34 a.m.

15 This deposition is being held at the  
16 Hillsborough County courthouse in Tampa, Florida,  
17 at the request of Boies Schiller and Flexner, LLP.  
18 My name is Nick DeHaas, your videographer. Your  
19 court reporter today is Jennifer Figueroa. We're  
20 here with Magna Legal Services.

21 Will counsel and those on the phone please  
22 introduce themselves for the record.

23 MS. PHILLIPS: Yes. This is Jessica Phillips  
24 from Boies Schiller Flexner on behalf of the  
25 plaintiffs.

1 MR. BARKAI: This is Yotam Barkai from Boies  
2 Schiller Flexner on behalf of the plaintiffs.

3 MR. BLOCH: Michael Bloch from Kaplan Hecker & Fink  
4 on behalf of plaintiffs.

5 THE VIDEOGRAPHER: Folks on the phone,  
6 please --

7 MR. ReBROOK: This is Edward ReBrook.

8 THE VIDEOGRAPHER: -- state your appearances.

9 THE COURT REPORTER: Please repeat.

10 MR. ReBROOK: This is Edward ReBrook. I am  
11 here representing the NSM.

12 MR. KOLENICH: This is Jimmy Kolenich  
13 representing Jason Kessler, Nathan Damigo, Matthew  
14 Parrott, Traditionalist Worker Party, and Identity  
15 Europa.

16 MR. CAMPBELL: And this is Dave Campbell  
17 representing James Fields.

18 THE COURT REPORTER: Could you please raise  
19 your right hand for me.

20 Do you swear or affirm that the testimony  
21 you're about to give will be the truth, the whole  
22 truth, and nothing but the truth?

23 THE WITNESS: Yes.

24 THE COURT REPORTER: Thank you.

25 THEREUPON,

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1                   BURT COLUCCI,  
2 having been first duly sworn or affirmed, was examined  
3 and testified as follows:

4                   DIRECT EXAMINATION

5 BY MS. PHILLIPS:

6 Q. Great. Mr. Colucci, as I just said I'm  
7 Jessica Phillips. I represent the plaintiffs in the  
8 case Sines versus Kessler.

9                   Can you please state your full name for the  
10 record?

11 A. It's Burt Colucci.

12 Q. Can you spell that, please?

13 A. First name is B-u-r-t, last name is  
14 C-o-l-u-c-c-i.

15 Q. And are you represented by counsel here  
16 today?

17 A. Yes.

18 Q. And who is that?

19 A. Edward ReBrook.

20 Q. Okay. Have you ever gone by any other names  
21 other than Burt Colucci?

22 A. No.

23 Q. Okay. Do you have any -- any nicknames that  
24 you go by?

25 A. Years ago I used to have -- there was a -- I

1 Q. Did Mr. Kolenich ever ask --

2 MR. REBROOK: Objection; asked and answered.

3 MS. PHILLIPS: I'm sorry? Somebody made an  
4 objection on the phone?

5 MR. ReBROOK: This is Edward ReBrook. I'm  
6 objecting; asked and answered.

7 MS. PHILLIPS: Oh, okay.

8 MR. ReBROOK: If Mr. Kolenich never spoke with  
9 Mr. Colucci about Sines v. Kessler, and that would  
10 apply to him talking about documents regarding  
11 Sines v. Kessler or anything else regarding Sines  
12 v. Kessler. Asked and answered.

13 MS. PHILLIPS: Thank you.

14 BY MS. PHILLIPS:

15 Q. Did Mr. Kolenich ever ask you to produce any  
16 documents in connection with this litigation?

17 A. No, never.

18 Q. Do you know Jeffrey Schoep?

19 A. Yes.

20 Q. Did you and Mr. Schoep ever speak about this  
21 litigation?

22 A. Yes, extensively.

23 Q. Extensively. Okay.

24 When did you speak with him about this  
25 litigation?

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1       A. Ever since I became reactive in the NSM post  
2 Charlottesville. I would say, again, that would be the  
3 date of the Shelbyville Tennessee, rally. That was the  
4 date of my reenactment, reenlistment, whatever you want  
5 to call it.

6       Q. What exactly did you speak with Mr. Schoep  
7 about with regard to this litigation?

8       A. He and I have discussed everything pretty  
9 much.

10      Q. Okay.

11      A. It's too lengthy to mention everything, but  
12 we've spoken at length about this.

13      Q. Well, let's get into the specifics of what you  
14 spoke with him about.

15           Did you speak with him about NSM's  
16 participation in Charlottesville?

17      A. Oh, yes.

18      Q. Okay. And what exactly was the substance of  
19 what you guys discussed?

20      A. It seemed to be he was going on about the same  
21 thing over and over again, basically how the NSM didn't  
22 do anything illegal and that this case is pretty well  
23 pointless and that it's a frivolous lawsuit. And I'm  
24 sure there's a lot more. We can get into it a lot more  
25 if you'd like.

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1 Q. (Moves head up and down.)

2 A. But it's pretty extensive.

3 Q. How frequently would you say that you spoke  
4 with Mr. Schoep about this litigation?

5 A. A lot. A lot.

6 Q. Would you say on a daily basis?

7 A. That might be a bit much, but I wouldn't say  
8 it's -- it's a far stretch, because it was very  
9 extensive.

10 Q. Okay. So weekly, as it happened?

11 A. At a minimum. I'd say more than that.

12 Q. And what was your method of communicating with  
13 him?

14 A. Telephone.

15 Q. It was telephone?

16 A. Yeah.

17 Q. So these were primarily phone calls?

18 A. Correct.

19 Q. Did you text message with him about this  
20 litigation?

21 A. From time to time, but most of it was on the  
22 phone.

23 Q. What about email? Did you email with him  
24 about the litigation?

25 A. Very rarely. I would say probably 90 percent

1 or more of the conversation was on the phone.

2 Q. Okay. Did you -- in terms of messaging,

3 direct messaging over social media platforms of any

4 kind, did you ever --

5 A. Not in reference to the case, no.

6 Q. Okay. You did speak with Mr. Schoep over

7 direct messaging over social media, but not necessarily

8 with regard to the case?

9 A. It was very minimum at best on social media  
10 because he's -- he never trusted social media, even the  
11 one that we used.

12 Q. Okay.

13 A. So it would have either been done via text,  
14 which would have been also a bare minimum; or it would  
15 have been done on the phone, as I said, about 90 percent  
16 or more of the time on the phone.

17 Q. Do you recall the phone number at which you  
18 reached Mr. Schoep or at which he reached you -- his  
19 telephone number for those communications?

20 A. I would have it, I don't have it memorized.

21 Q. Do you have it with you on your phone?

22 A. I probably do.

23 Q. Okay. I'll ask you to look that up at a  
24 break, and then --

25 A. Okay.

1 Q. -- when we come back on the record, you can  
2 give that to us on the record.

3 So I believe you testified that it was  
4 starting at about the Shelbyville rally in you think  
5 November of 2017 when you began talking with Mr. Schoep  
6 about this litigation.

7 When was the last time, if you recall, that  
8 you spoke with Mr. Schoep about this litigation?

9 A. It's been a while. It's been less and less  
10 frequent. Some -- whenever the -- whenever he went to  
11 the other side and started speaking about anti-racist  
12 stuff it became -- it was less frequent at that point,  
13 and to this day -- and at this point, I'd say  
14 nonexistent.

15 Q. So let me see if I can pinpoint in time when  
16 you think you last communicated with him. Well, let me  
17 ask it more broadly. When was the last time you had any  
18 communication whatsoever with Mr. Schoep? Was it this  
19 month?

20 A. I'd say probably a month ago, just off the top  
21 of my head. I don't exactly remember.

22 Q. And was that communication about this  
23 litigation?

24 A. I -- I don't think so.

25 Q. Okay. When was the last time that you had

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1 communication with Mr. Schoep about this litigation?

2 A. It's been a while. I'm just going to -- all I

3 can do is guess because I honestly don't know the

4 answer. I'll say maybe a couple of months.

5 Q. Okay. And what did you speak with him about a

6 couple of months ago as it related to the litigation?

7 A. Well, when I speak to Jeff it's pretty well

8 the same thing over and over again, as I explained

9 prior, about how he says that, you know -- and pretty

10 much all the members keep saying the same thing over

11 again, how the NSM did nothing illegal and that none of

12 them understand why we're being sued in a frivolous

13 lawsuit; and I hear that over and over and over again.

14 Q. And who -- so we were speaking about

15 Mr. Schoep and then you just mentioned speaking to other

16 NSM members. Correct?

17 A. Correct.

18 Q. So who are those other members that you've

19 spoken with the litigation about?

20 A. I didn't speak with them about litigation,

21 they're just people that made a comment referencing the

22 lawsuit.

23 Q. Yeah, I understand. But they made those

24 comments to you?

25 A. Yes.